

CALIFORNIA CODES
EDUCATION CODE
SECTION 420-428

420. This chapter shall be known and may be cited as the English Language and Intensive Literacy Program.

421. The English Language and Intensive Literacy Program is hereby established and shall be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall develop, and the State Board of Education shall approve, guidelines for implementing this chapter, including, but not limited to, guidelines for reviewing and approving English Learner Literacy grants.

422. (a) A school district, county office of education, or charter school that maintains kindergarten or any of kindergarten or grades 1 to 12, inclusive, may apply for a grant of four hundred dollars (\$400) per pupil to operate a program that provides multiple, intensive English language and literacy opportunities for pupils in any one or combination of kindergarten and grades 1 to 12, inclusive, with an emphasis on mastery of English language and literacy skills that will allow pupils to significantly improve achievement in the classroom. Funding for the program established pursuant to this chapter shall be provided in Section 37 of the act adding this chapter.

(b) Pupils shall remain eligible for participation in the program established pursuant to this chapter for three calendar months after completing grade 12.

(c) The purposes of the program established pursuant to this chapter include, but are not limited to, both of the following:

(1) To provide pupils who are experiencing difficulty learning English and difficulty in reading with increased instructional opportunities.

(2) To provide stimulating and enriching opportunities for all pupils to increase their English and literacy skills.

(d) (1) Instruction provided pursuant to the program shall be consistent with the standards for a comprehensive English language development instruction program that is research-based, as described in subparagraphs (A) and (B) of paragraph (4) of subdivision (b) of Section 44259, and shall include all of the following components:

(A) The study of organized, systematic, explicit skills, including phonemic awareness, direct, systematic explicit phonics, and decoding skills.

(B) A strong literature, language, and comprehension component with a balance of oral and written language.

(C) Ongoing diagnostic techniques that inform teaching and assessment.

(D) Early intervention techniques.

(2) Instruction provided pursuant to the program shall be consistent with state-adopted academic content standards and with the curriculum framework on English language arts and the English language development standards adopted by the State Board of Education.

(3) As a condition of receiving funds for this program, participants shall use the English

Language Development exam, developed pursuant to Section 60811, to evaluate pupil Improvement toward becoming fully English proficient, if this assessment is available. To the extent that the English Language Development exam is not available, participants may use other assessment instruments that measure English language proficiency if the instruments have been proven to be valid and reliable.

423. (a) Except as provided in subdivision (b), intensive English and literacy instruction provided pursuant to this chapter shall be offered four hours per day for six continuous weeks during the summer or intersession.

(b) Due to facilities constraints or for other educational reasons, a school may offer intensive instruction before school, after school, on Saturdays, or during intersession, or in a combination of summer school, after school, Saturday, or intersession instruction. Schools that utilize an after-school program to provide these services may establish an age appropriate schedule that still provides 120 hours of instruction.

(c) It is the intent of the Legislature that school districts, county offices of education, or charter schools that operate the program established by this chapter utilize credentialed persons and, to the extent possible, persons holding appropriate authorization to teach limited-English pupils. Tutors and other assistants may provide services to English language learners, if they are working under the supervision of instructors who fulfill the requirements of Sections 44830 and 44831, and who may fulfill the requirements of Section 44253.7. Tutors and other assistants serving English language learners under this chapter shall also have appropriate training in the teaching of English language learners.

(d) Notwithstanding Section 49550 or any other provision of law, a school district, county office of education, or charter school that operates a program pursuant to this chapter is not required to provide a meal or snack to pupils participating in the program.

424. (a) Any school district, county office of education, or charter school that serves English language learners may apply for funding under this chapter if they submit an application and a plan that meets the requirements set forth in subdivision (b) and certifies the English language learners are participating in the program outlined in the school plan.

(b) The application submitted pursuant to subdivision (a) for program participation shall include a plan for a classroom-based program of intensive English language instruction that will provide 120 hours of language and literacy instruction to English language learners enrolled in kindergarten or any of grades 1 to 12, inclusive, that is modeled after the intensive reading program, as authorized by Article 1 (commencing with Section 53025) of Chapter 16 of Part 28, including:

(1) The number and percentage of English language learners in the participating schools.

(2) The proposed schedule for providing 120 hours of instruction. Class schedules should be offered during summer, intersession breaks, after school, Saturdays or during the evening.

(3) A proposed program budget and a proposal that specifies the type of information that will be provided to the State Department of Education to verify that services were provided to English language learners.

(c) School districts, county offices of education, or charter schools that receive funding pursuant to this chapter shall spend at least 90 percent of program funds received for direct services or instructional materials for English language learners.

(d) To the extent possible, the Superintendent of Public Instruction shall provide a mix of

grants to elementary schools, middle schools, and high schools in order to ensure that the results of the evaluation are applicable to all grade levels.

(e) Applications from prospective program participants shall be received by October 1, 2000.

(f) To the extent funding is available in subsequent years, applications must be received by October 1, and annually thereafter.

425. (a) The Superintendent of Public Instruction, with input from the Legislative Analyst's office, the Office of the Secretary of Education, and the Department of Finance, shall contract with an independent evaluator for the purpose of determining the effectiveness of this program, including, but not limited to, improving English language proficiency and identifying the most effective practices for teaching English language learners. The evaluation shall be submitted to the appropriate legislative committees, on or before November 1, 2003. If funds are needed for this purpose, it is the intent of the Legislature that funds be appropriated for this purpose in the annual Budget Act.

(b) The State Department of Education shall provide interim reports to the Legislature that include, but are not limited to, the following:

(1) The amount of funding allocated.

(2) The number of schools participating in the program.

(3) The number of English language learners participating in this program.

(c) The first interim report is due March 1, 2001. The second interim report is due March 1, 2002. The final interim report is due March 1, 2003. However, these interim reports shall only be required if funds are available for allocation for this program.

426. (a) The State Librarian, with input from the Legislative Analyst's office, the Office of the Secretary of Education, and the Department of Finance, shall contract with an independent Evaluator to evaluate the portion of the English Language and Intensive Literacy Program that is administered by the State Library, as listed in Item 6120-212-0001 of Section 2.00 of the Budget Act of 2000. The evaluation shall determine the effectiveness of this program, including, but not limited to, improving English language proficiency and identifying the most effective practices for teaching English language learners and their families in improving English language proficiency.

(b) The State Librarian shall provide interim reports to the Legislature that include, but are not limited to, the following:

(1) The amount of funding allocated.

(2) The number of libraries or schools participating in the program.

(3) The number of English language learners participating in this program.

(4) The number of parents participating in the program.

(c) The first report is due March 1, 2001. The second report is due March 1, 2002. The final interim report is due March 1, 2003. However, these reports shall be required only if funds are available for allocation for this program.

427. (a) It is the intent of the Legislature that data developed through the English Language and Intensive Literacy Program be used to inform curriculum, instruction, assessment, research, and teacher preparation programs regarding use of the most effective practices for teaching English language learners.

(b) It is the intent of the Legislature that, once the most effective programs and processes have been identified, schools be required to incorporate those effective practices into the regular classroom instruction as a condition of receiving funds pursuant to Section 404.

(c) It is further the intent of the Legislature that this program be administered consistent with research-based strategies for teaching English language learners, as well as the English language for immigrant children, set forth in Chapter 3 (commencing with Section 300), as applicable.

428. This chapter shall become inoperative on July 1, 2003, and as of January 1, 2004, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.